

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUIS ENRIQUEZ,

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 05-74556

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [11]**

This matter comes before the Court on the Magistrate Judge's October 31, 2006 Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including Plaintiff's Objections, the Court finds that the Magistrate reached the correct conclusion in the Report and Recommendation. Accordingly, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation, with the exception of the discussion criticizing the Sixth Circuit's decision in *Sizemore v. Secretary of Health & Human Servs.*, 865 F.2d 709, 711 (6th Cir. 1988). It is further ordered that Plaintiff's motion for remand pursuant to Sentence Six is DENIED, Defendant's motion for summary judgment is GRANTED, and the case is hereby DISMISSED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 12, 2006

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 12, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager